

PATENT EXAMINING OPERATIONS

PRELIMINARY AMENDMENT

Hon. Commissioner Of Patents
and Trademarks
Washington, D.C. 20231

Enclosed is a Continuation Application of
Application No. 09/481,745.

This Preliminary Amendment substantially incorporates the changes and corrections of the Amendment submitted February 12, 2001 to the '745 Application, in Response to the Office Action of December 12, 2000, and which was denied in the Advisory Action dated February 21, 2001.

Please amend the text of the Continuation Application to incorporate the following changes and corrections:

IN THE DESCRIPTION:

Please correct the specification as follows:

(continued)

(specification corrections, continued):

page 2, line 9, delete "it" and insert therein

-- a line -- ;

page 2, line 18, add, between the words "and" and

"rotates", the word -- also -- ;

page 2, line 30, delete the words "the hook" and insert

therein -- it --;

page 3, line 1, insert, between the word "end" and ","

(the comma), the word -- thereof -- ;

page 3, line 28, delete "a", and insert therein -- as --;

page 4, line 21, delete "6" and insert therein -- 5 -- ;

IN THE DRAWINGS:

No changes.

IN THE CLAIMS:

Please cancel existing CLAIM 9 and replace it with
new CLAIM 13, as follows:

-- CLAIM 13. A grappling hook, having:

an elongated shank defining an axis and having

first and second ends

thereon;

5 rope receiving means at the first end thereof;

a grasping end at the second end thereof having:

a second first end thereof affixed to the second end
of the shank; and

(continued)

(new CLAIM 13, continued):

a second free end spaced from the shank;
10 the shank and the second free end defining a hook
throat between them:
the hook having thereon a balance point between the
first end of the shank and the second free end
of the grasping end, and
15 a flexible line attached to the rope receiving
means, the grappling hook COMPRISING:
when the hook has been thrown onto a surface to which
an obstruction is affixed, and the shank of the hook
is drawn by the line toward and up onto the
20 obstruction,
the weight of the shank between the first end thereof
and the balance point equaling the weight of the
grasping end between the balance point and the second
free end, whereby gravity:
25 lifts the grasping end from the surface when the
balance point of the hook is pulled past the
obstruction; and
rotates the grasping end downward about the axis,
whereby the grasping end engages the obstruction.

Please cancel existing CLAIMS 10 and 11.

Please cancel existing CLAIM 12, and replace it by new CLAIMS 14 and 15, as follows:

-- CLAIM 14. The method of manufacture of a grappling hook, wherein a flexible line is preformed into a desired shape and a thermoplastic material shrunk over said shape. -- .

-- CLAIM 15. The grappling hook of CLAIM 13, wherein said flexible line is preformed into the shape thereof and a thermoplastic material is shrunk over said shape. -- .

DISCUSSION AND ARGUMENTS

Applicant's responses will be given in the same order in which Examiner presents his objections and rejections to the '745 Application, in the Office Action of December 12, 2000, as amended by the Amendment dated October 14, 2000, submitted therein.

1,2. Examiner rejects CLAIM 9 under 35 USC 102(b) as being anticipated by Fisher 4,785,509, in that

"Fisher teaches a grappling hook in which a shank defines first and second ends, and a grasping end has first and second ends as claimed. The claimed 'balance point' will be an inherent feature of any such hook."

Applicant strongly traverses Examiner's rejection, especially in light of new CLAIM 13, which is cancelled

CLAIM 9 rewritten to emphasize the difference between the present invention and the reference Fisher.

The grappling hook of Fisher does not operate according to Applicant's cancelled CLAIM 9 or new CLAIM 13.

Fisher may indeed have a "balance point", as Examiner states, but it does not enter into the claimed operation of his hook as claimed by Applicant. The rotation of Fisher's hook 10, as it is drawn over rail 18 or obstruction 28, depends upon whether the tension in rope 22 is sufficient to tip first end 38 over onto its beveled face so that tine 30 can hook under, or engage the face of, obstruction 28.

Fisher nowhere refers to a "balance point" and it does not enter into the rotation of his hook in any way.

Further, those who have used Fisher's hook report that it does not always work as claimed, whereas Applicant's hook always works as it should.

3,4. Examiner has rejected CLAIMS 10-12 under 35 USC 103(a) as being obvious "within the level of skill of the ordinary routineer working in the art at the time of the invention".

Applicant has cancelled CLAIMS 10 and 11.

Regarding CLAIM 12, Examiner states that a method of making carries no weight in an apparatus claim.

Applicant has cancelled CLAIM 12 and rewritten it

as method CLAIMS 14 and 15.


5. Examiner states that Applicant's arguments filed October 18, 2000 are not persuasive, since Applicant's lack of Fisher's bevel does not make cancelled CLAIM 9 patentable.

Applicant herein argues that Fisher's bevel does not perform the same function as Applicant's balance point. Even though, as Examiner states, Applicant's balance point is an inherent feature of a hook, Fisher does not even mention it in his description, relying upon the tension in his rope to turn his hook upon his beveled surface. Fisher has designed a bevel into his hook to perform the turning function, whereas Applicant uses the inherent balance point to obtain the same result.

Applicant's hook has met with enthusiastic reception among boaters. This is especially true with women boaters, who are often the "crew" for boat operators. In many cases, a woman will purchase Applicant's hook with her own funds, even in the face of disapproval from the (male) boat operator, because of the ease of using it, especially in those situations where there is no one at a moorage to receive a thrown line. Many women simply do not have the physical strength or agility to clamber easily to a chosen moorage, or the skill to maneuver the boat if the male boater performs the needed "gymnastics".

UNITED STATES DEPARTMENT OF AGRICULTURE

It is believed that the Continuation Application, as amended by this Preliminary Amendment, is now in condition for Allowance or Appeal. Accordingly, allowance is respectfully requested.

Respectfully Yours,

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Con. P.C. 20231, on
July 8, 2007
(Date of Deposit)

Date _____